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SIPDIS

FROM THE AMBASSADOR  
DEPARTMENT FOR AF/E  
LONDON, PARIS, ROME FOR AFRICA WATCHERS

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TAGS: [KDEM](#) [PGOV](#) [PREL](#) [KE](#)

SUBJECT: THE REFORM PROCESS IN KENYA: PRIME MINISTER'S  
"MAJOR SPEECH" DISAPPOINTS

REF: A: NAIROBI 543            B: NAIROBI 407

Classified By: Ambassador Michael E. Ranneberger for  
Reasons 1.4 (b) and (d)

11. (C) Summary. On March 27 Prime Minister Odinga delivered a speech which he had been billed as a major address on the reform process and corruption. The speech was delivered at a time when Kenyans have become increasingly frustrated with lack of action to tackle the longstanding culture of impunity. The speech contained little new and greatly disappointed the expectations of Kenyans as well as the international community. I am seeing Odinga soon to urge him to be more forthright on these issues, and to get his sense of next steps. End summary.

12. (C) On March 27 Prime Minister Odinga delivered what he had billed as a major speech regarding the coalition government, the reform process, and corruption. During his 20 minute speech, Odinga made the following key points. He said the coalition government must accept responsibility for the problems the nation faces, but that it had inherited these from previous administrations. &We want to do better,8 he said, but followed those words by stating that &the coalition is more about continuity than change.8 The coalition government, he explained, is an odd coupling of the Party of National Unity (PNU) and the Orange Democratic Movement (ODM), which had different visions for the country,s future as they went into elections at the end of 12007. Odinga acknowledged the Kenyan people,s skepticism about the coalition government, but appealed for patience. &Do not let us be driven to mass hysteria, but instead find practical solutions,8 he urged. He also noted that Parliament deserves its share of the blame for the lack of quicker progress on reforms.

13. (C) Odinga correctly argued that the coalition has achieved significant results. He cited these main areas: the immediate humanitarian crisis triggered by the post-election violence has been addressed and steps have been taken to promote reconciliation; and steps have been taken to launch the reform process, such as disbanding the electoral commission; starting the constitutional revision process; passing legislation to establish the Truth, Justice, and Reconciliation Commission; carrying out the investigations of the Kriegler and Waki commissions (respectively to investigate electoral irregularities and make recommendations for electoral reform, and to make recommendations with respect to accountability for post-election violence); holding the Kenya We Want conference to foster national

dialogue; and launching programs to assist youth.

¶4. (C) With respect to one of the major issues facing the nation, the culture of impunity and specifically corruption, Odinga said that much has gone on behind the scenes that people are not aware of.<sup>8</sup> He frankly admitted that the leadership and organization of the police, the Kenya Anti-Corruption Commission, the judiciary, and the Attorney General are major obstacles to major progress against corruption. The record against corruption is pathetic,<sup>8</sup> Odinga said. Corruption is a national cancer.<sup>8</sup> That said, Odinga staunchly defended the coalition government's record, saying it was wrong to label it more corrupt than previous governments. Current alleged scandals pale compared with the dimensions of the pre-coalition Anglo-Leasing and Goldenberg scandals, Odinga maintained. No one can waive a magic wand to stop corruption,<sup>8</sup> Odinga said.

¶5. (C) Odinga noted that his office has been given direct supervision of two bodies (now incorporated into the PM's office) intended to fight corruption: the Inspectorate of State Corporations, and the Efficiency Monitoring Unit. He then released three dossiers documenting the work of those bodies (see para 11). Odinga said that the alleged maize scandal was really due primarily to failed statist policies rather than corruption per se. However, he said, he has ordered a forensic audit of the National Cereals Board that will be made public.

¶7. (C) With respect to allegations regarding extra-judicial killings, Odinga said only that police reform is urgently needed. When asked about whether Commissioner of Police Ali and Attorney General Wako should be replaced, Odinga said it is more important to focus on the institutional reforms needed; however, some individuals might have to go as institutional reforms proceed. He said the government is setting up teams to pursue reform of the police and judiciary

¶8. (C) In response to questions from the media following the speech, Odinga emphasized unity within the coalition government and specifically defended the President's permanent secretary and head of the civil service, Francis Muthaura (he is sometimes called the shadow president<sup>8</sup> by knowledgeable Kenyans; Odinga has previously criticized him for working to undermine the ODM). Odinga defended his role within the coalition government, saying that he and the ODM, as just one half of a marriage, have had to compromise in the interests of unity. When the media pressed him hard on what specific steps the government has taken to fight corruption, Odinga replied with no specifics, but stressed that there was a zero tolerance<sup>8</sup> policy on corruption. Under increasingly skeptical questioning by the media, Odinga made the unfortunate comment that: The media must grow up. We are not wrong ) you the media are wrong. You must stop misinforming the people.<sup>8</sup>

¶9. (C) A preliminary review of the three dossiers Odinga released does not reveal much new. All the cases deal with allegations of mid to lower-level abuses of office/corruption. They do indicate actions taken, but we are aware that in some of these cases the specified actions/recommendations have not actually been implemented.

¶10. (C) Comment: Odinga had told me (ref A) that he would be making a major address to the nation that would delineate the progress of the reform agenda and efforts against corruption, and he hyped the planned speech through the media. The speech did not live up to even limited expectations. In essence, Odinga said little new. The media and Kenyan public have rightly characterized the speech as a dud and as defensive, with no new steps announced to advance the reform agenda to deal with corruption, and to rebuild the coalition government's waning credibility among the Kenyan people.

¶11. (C) I had urged Odinga to be bold and to forthrightly tackle the reform and corruption issues, emphasizing that we will provide strong support if he does so. Instead, he chose

to be overly cautious, which resulted in a minimalist presentation. I believe that this performance can best be understood in the context of our previous reporting (ref B). Although he was seen as a reformer while in opposition, Odinga has also been and remains to some extent a part of the vested interests which have run Kenya since independence. While he himself may in fact want to bring about real change, he is torn between conflicting agendas and priorities. He wants to retain unity within the ODM, and taking bold action against corruption would require moving against some key players within the ODM (as well as PNU). Odinga also, rightly in my view, wants to preserve the coalition government, since it is the only viable vehicle for democratic governance at this point in Kenya's history. I have, however, repeatedly pointed out to him that preserving the government and moving ahead to implement the reform agenda, including taking action against corruption, are not mutually exclusive. I believe that, if Odinga chooses to exert bold leadership, Kibaki may be supportive, since bolder leadership would garner substantial support across ethnic, class, and political lines. Odinga is right ) as we have repeatedly pointed out publicly and privately ) that it will take a long time to reverse the culture of impunity. There is a narrow window of opportunity, however, to begin that process. If Odinga does not exert leadership to do this, there is a good chance that his credibility will be so badly undermined as to make his political future bleak. Kibaki will not initiate such bold action himself, but demonstrated during the crisis that he will take significant steps if pressed by the Kenyan people and international community to do so.

¶12. (C) The PNU hardliners around Kibaki were present in force at the speech and seemed enormously pleased by it. Indeed, by not taking a bolder approach, Odinga implicitly endorsed the status quo. (I have heard from multiple sources that PNU hardliners now see Odinga as a paper tiger who will be politically crushed before 2012.)

¶13. (C) Odinga called me after he had given the speech, clearly uncertain about how it would play. I told him frankly that I thought it was not what the country expected to hear, but that I understood the difficult position he is in. (The speech has played so badly in the media that Odinga's press secretary felt compelled to write a very defensive commentary which appeared over the weekend.) Odinga and I agreed to meet following my return from Annan's Geneva meeting on Kenya. I will press him hard on the need to be more forthright. Odinga is smart and I hope he has up his sleeve a political gameplan that he believes will maintain his credibility with the Kenyan people. If he does, it is not apparent. When I see him I will ask him to lay out his sense of next steps.

¶14. (C) Septel reports on the conference on Kenya and the reform process organized by Kofi Annan in Geneva. Reflecting the failure of Odinga's speech, it was not even referenced at the conference. The conference was a forum for constructive discussion, and will help energize civil society, the private sector, religious groups, and the media to push for implementation of the reform agenda. By working closely with Annan and these sectors, and by maintaining pressure on the coalition government, the U.S. can play a key role in bringing about progress in implementation of the reform agenda. END COMMENT  
RANNEBERGER